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6 *Attorneys for the United States of America*

7 **UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

8
9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 SHEENA ELKIND,

13 Defendant.

14 Case No. 2:20-mj-00709-BNW

15 **Stipulation to Continue the Preliminary
Examination Date and Exclude Time Under
the Speedy Trial Act
(Second Request)**

16 IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A.
Trutanich, United States Attorney, District of Nevada, Christopher Lin, Assistant United States
17 Attorney, representing the United States of America, and Gabriel Grasso, Esq., representing
Defendant Elkind, that the Preliminary Examination date in the above captioned case, which is
18 currently scheduled for September 22, 2020 at 1:00 P.M., be continued to a date and time
convenient for the Court but not less than 30 days from the current setting. The parties also
19 stipulate to an extension of (1) the 30-day period under 18 U.S.C. § 3161(b) in which an
indictment or information must be returned, and (2) the 90-day period under 18 U.S.C. § 3164(b)
20 for commencing trial for a detained defendant.

21 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada

1 issued Temporary General Order 2020-03, which found that due to the outbreak of the
2 coronavirus disease 2019 (“COVID-2019”) in the District of Nevada, the declaration by
3 the Governor of the State of Nevada of a public health emergency due to the spread of
4 COVID-19 in Nevada, and the declaration of local emergencies by local governments due
5 to COVID-19, including Clark County, the Court has sustained “reduced ability to obtain
6 an adequate spectrum of jurors,” and it noted the effects of public health
7 recommendations, including “social distancing measures.” General Order 2020-03
8 accordingly continued all civil and criminal trials until April 10, 2020, pending further
9 order of the Court and found that “the ends of justice are best served by ordering the
10 continuances, which outweighs the best interests of the public and any defendant’s right
11 to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).” On April 9, 2020, Chief Judge Du
12 entered Amended General Order 2020-03, which provided, “the Court has determined
13 that jury trials must be further postponed” without indicating how long the postponement
14 will continue. Amended General Order 2020-03 states further that the “each presiding
15 judge will address any needed continuance of their trial in their individual cases.”

16 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada
17 issued Temporary General Order 2020-04, which noted that “the COVID-19 pandemic
18 has continued to spread,” resulting in the need for “more aggressive social-distancing
19 measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the
20 State of Nevada ordered the closure of many business establishments and strongly
21 encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary
22 closure of the Clerk’s office, and implemented other changes, including “striving to
23 eliminate in-person court appearances.” In the event any hearing must go forward, the
24 Court will conduct the hearing via video or teleconference. On April 29, 2020, the Court

1 issued an amended General Order 2020-04, setting forth certain filing procedures and
2 noting its “plans to incrementally resume in-person court appearances as appropriate
3 based on recommended health guidelines.”

4 3. On March 30, 2020, the Court issued Temporary General Order 2020-05, making
5 findings under section 15002(b)(1) of the Coronavirus Aid, Relief, and Economic
6 Security Act (“CARES Act”), authorizing the use of video and telephone for court
7 hearings, and noting that all courtrooms would be physically closed to the parties and
8 the public. On June 25, 2020, the Court issued Amended General Order 2020-05,
9 extending the original order for 90 days, until September 28, 2020.

10 4. Based on the public health emergency brought about by the COVID-2019 pandemic, the
11 required social-distancing measures as recognized in the Temporary General Orders, and
12 the need for additional time to prepare the defense, both during the public health
13 emergency and once the public health emergency is resolved, the parties agree to
14 continue the currently scheduled Preliminary Examination on September 22, 2020, to a
15 date and time convenient for the Court, but not less than 30 days from the current
16 settings.

17 5. This continuance is not sought for purposes of delay, but to account for the necessary
18 social-distancing in light of the COVID-2019 public health emergency, and to allow the
19 defense adequate time to prepare during the public health emergency and following its
20 resolution.

21 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
22 served by granting this request outweigh the best interests of the public and the defendant
23 in a speedy trial.

24 7. The defendant is at liberty and does not object to the continuance.

1 8. This is the parties' second request to continue the Preliminary Examination date.
2 9. The additional time requested by this stipulation is excludable in computing the time
3 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
5 States Code, Section 3161(h)(7)(B)(i) and (iv).
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7 DATED this 22nd day of September, 2020.

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9 NICHOLAS A. TRUTANICH
United States Attorney

10 _____
11 /s/ *Christopher Lin*
CHRSTIOPHER LIN
Assistant United States Attorney

12 _____
13 /s/ *Gabriel Grasso*
GABRIEL GRASSO, Esq.
Counsel for Defendant

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,) Case No. 2:20-mj-00709-BNW
)
Plaintiff,) **Findings and Order on Stipulation**
)
v.)
)
SHEENA ELKIND,)
)
Defendant.)
)

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and to allow the defense adequate time to prepare during and following the resolution of this public health emergency, the Preliminary Examination date in this case should be continued.
2. The parties agree to this continuance.
3. The defendant is at liberty and does not object to the continuance.
4. This continuance is not sought for purposes of delay.
5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.
6. The Speedy Trial Act's indictment clock under 18 U.S.C. § 3161(b) is extended to the Preliminary Hearing date set below.
7. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
2 States Code, Section 3161(h)(7)(B)(i) and (iv).

3 THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the
4 above-captioned matter currently scheduled for August 22, 2020 be vacated and continued to
5 10/26/2020 at 9:30 AM.

6 DATED this 25th day of September, 2020.
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8 HONORABLE BRENDA N. WEKSLER
9 United States Magistrate Judge
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